

IN THE CIRCUIT COURT FOR MORGAN COUNTY, TENNESSEE

JOCELYN HAMBY

Plaintiff,

v.

MORGAN COUNTY BOARD
OF EDUCATION

Defendant.

CASE NO. 2014-CV-23

AFFIDAVIT OF PAM LIVELY KECK, CIRCUIT COURT CLERK

STATE OF TENNESSEE)

COUNTY OF MORGAN)

Comes now Pam Lively Keck, being first duly sworn, and makes oath as follows:

1. My name is Pam Lively Keck, and I am an adult resident of Morgan County, Tennessee.
2. I am the Clerk of the Circuit Court for Morgan County Chancery Court, Tennessee.
3. A true and exact copy of File Number 2014-cv-23 has been copied in its entirety and includes the following documents: (please list)

Complaint

Plaintiff's First Interrogatories To The Defendant

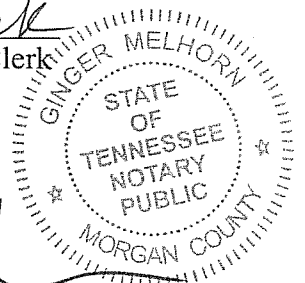
Summons/Return

This information is true and is based on my own personal knowledge.

Pam Lively Keck
Pam Lively Keck, Circuit Court Clerk

Sworn to and subscribed before me this 24th day of November, 2014.

Ginger Melhorn
Notary Public



My Commission Expires: 9-15-18

ORIGINAL

STATE OF TENNESSEE
IN THE CIRCUIT COURT FOR MORGAN COUNTY, TENNESSEE
AT WARTBURG

JOCELYN HAMBY,

Plaintiff,

v.

MORGAN COUNTY BOARD OF
EDUCATION,

Defendant

CIVIL ACTION

NO. 2014-CV-23

STATE OF TENNESSEE
COUNTY OF MORGAN
I, Pamela Keck, Clerk of the Circuit Court for Morgan County,
Tennessee, do hereby certify that the foregoing is a full true and exact
copy of
as the same appears of record in my office at Wartburg, Tennessee.
Witness my hand and official seal, this the 24 day
of November 2014

You are hereby summoned and required to serve upon David H. Dunaway, whose address is Box 280, LaFollette, Tennessee 37766, a true copy of the defense to the complaint, which is herewith served upon you, with thirty (30) days after service of this summons upon you, exclusive of the day of service. You will file the original pleading with the court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Issued this the 14 day of November, 2014.

Witness, Pamela Keck, Clerk of said court, at office in Wartburg, Tennessee.

Pamela Keck by Barbara Cox
Clerk Deputy Clerk

NOTICE

TO THE DEFENDANT: MORGAN COUNTY BOARD OF EDUCATION

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution of garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these items include the necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your



exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. T.C.A. ' 26-2-114.

SERVICE INFORMATION

To the process server: Defendant, **MORGAN COUNTY BOARD OF EDUCATION**, may be served on its managing agent, and Director of Schools, Edward L. Diden, at 136 Flat Fork Road, Wartburg, Tennessee 37887.

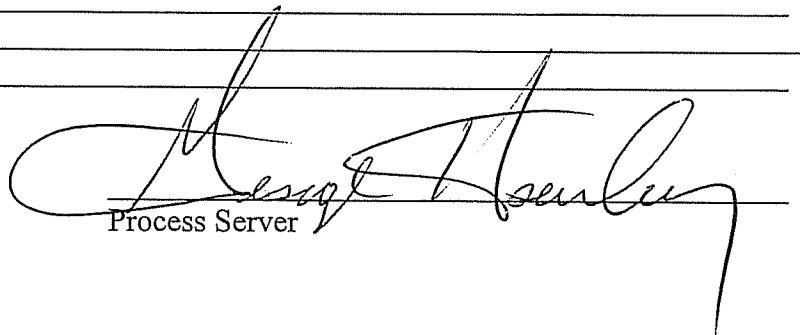
RETURNED

I received this summons on the 14 day of Nov., 2014.

I hereby certify and return that on the 14 day of Nov., 2014, I:

☒ served this summons and a complaint on Defendant, **MORGAN COUNTY BOARD OF EDUCATION**, in the following manner: Edward L. Diden, Director of Schools 11/14/14

☐ failed to serve this summons within 30 days after its issuance because: _____


Process Server

IN THE CIRCUIT COURT FOR MORGAN COUNTY, TENNESSEE
AT WARTBURG

JOCELYN HAMBY,

Plaintiff,

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MORGAN COUNTY BOARD OF
EDUCATION,

Defendant

CIVIL ACTION
NO. 2014-CV-23

COMPLAINT

Comes the Plaintiff and would show unto the Court the following:

1. The Plaintiff is and at all times mentioned herein was a citizen and resident of Morgan County, Tennessee. At all times mentioned herein, the Plaintiff, Jocelyn Hamby, was employed by the Defendant, Morgan County Board of Education, as a teacher, and had been employed by the Defendant, Morgan County Board of Education, for at least eight (8) years.

2. The Defendant, Morgan County Board of Education, is and all times mentioned herein was a governmental entity with offices in Wartburg, Tennessee, and process may be served on its managing agent, Director of Schools, Edward L. Diden, at 136 Flat Fork Road, Wartburg, Tennessee 37887 pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.

3. That this is a proceeding for the enforcement and protection of human rights under the laws of the State of Tennessee, and more particularly for the enforcement of the law and protection of individuals as required by Section 4-21-101 et seq. of the Tennessee Code Annotated and the common law for the State of Tennessee. This cause of action is also brought as a claim for gender

STATE OF TENNESSEE
COUNTY OF MORGAN
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copy of Complaint
as the same appears of record in my office at Wartburg, Tennessee.
Witness my hand and official seal, this the 24 day
of November 2014 *Pamela Keck B.C.*

FILED

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B.C.
MORGAN CO. CIRCUIT CLERK

discrimination with respect to compensation, terms, conditions or privileges of employment because of Plaintiff's sex or gender, and it is also being brought as a cause of action for sex discrimination under the Fair Labor Standards Act, and more specifically, 29 U.S.C. §206(d).

4. That the Plaintiff, Jocelyn Hamby, in August of 2014, discovered that she was being paid less than her male counterpart for performing the same or similar work while employed as a teacher for the Morgan County Board of Education.

5. The Plaintiff would show unto the Court that the Defendant, Morgan County Board of Education, through its agents, servants and employees, and more specifically, its Director of Schools, has maintained a policy, practice and method of discriminating against employees because of their gender, and in ways that deprived the Plaintiff and others of equal opportunity otherwise given to male employees, and the Defendant, through its agents, servants and employees, has affected the Plaintiff's status as an employee inasmuch as the Plaintiff, Jocelyn Hamby, has been denied compensation because of her gender. Thus depriving the Plaintiff of equal opportunities which were otherwise extended to other teachers who were males.

6. The Plaintiff would show unto the Court that in August of 2014, the Plaintiff discovered that she was being paid substantially less than her male counterparts as a teacher. The Plaintiff would show unto the Court that the Defendant has violated the following state statutes, which are incorporated by reference herein, and will be read in their entirety at the trial of this cause to wit:

T.C.A. § 4-21-401 - Employer Practices

29 U.S.C. § 206(d)- Prohibition of Sex Discrimination

7. That the violation of the forgoing statutes and the acts of the Defendant, through its agents, servants and employees were the direct and proximate cause of the Plaintiff having sustained damages.

8. That the Plaintiff has sustained damages, including, but not limited to, a loss of earnings, future earnings, humiliation and embarrassment, and emotional distress caused by the Defendant's discriminatory and unlawful practices. The Plaintiff has also incurred certain costs and expenses incidental to the filing of this cause of action, including attorney fees.

WHEREFORE PREMISES CONSIDERED, the Plaintiff demands:

1. That proper process issue and be served upon the Defendant and that the Defendant be required to answer this Complaint within the time required by law, but not under oath, its oath being waived.

2. That upon the hearing of this cause, this Court declare the rights and responsibilities of the parties and determine that the Tennessee Human Rights Act is otherwise applicable to the parties.

3. That the Plaintiff be awarded such actual compensatory damages for her injuries caused by the Defendant's discriminatory practices, and unlawful practices as the Court deems proper under the law and evidence not to exceed SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00)

4. That a jury determine the issues of this cause.

5. That the Plaintiff be granted such further and general relief to which she may be entitled under the law and evidence.

JOCELYN HAMBY

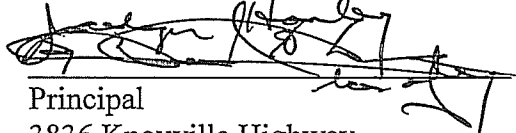
BY: 

Rick A. Owens, BPR 033474
David H. Dunaway, BPR 0491
Attorneys for Plaintiff
100 S. Fifth Street
Post Office Box 280
LaFollette, Tennessee 37766
LaFollette: 423/562-7085
Knoxville: 865/524-3670

COST BOND

We acknowledge ourselves as surety for all costs, taxes and damages in this case in accordance with T.C.A. Section 20-12-120.

JOCELYN HAMBY


Principal
3836 Knoxville Highway
Oliver Springs, Tennessee 37840


Surety

David H. Dunaway & Associates
Attorneys for Plaintiff
Post Office Box 280
LaFollette, Tennessee 37766
(423) 562-7085

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AT WARTBURG

JOCELYN HAMBY,

Plaintiff,

v.

MORGAN COUNTY BOARD OF
EDUCATION,

Defendant

CIVIL ACTION
NO. 2014- CV-23

PLAINTIFF'S FIRST INTERROGATORIES TO THE DEFENDANT

TO: MORGAN COUNTY BOARD OF EDUCATION, DEFENDANT

The Plaintiff requests the Defendant to answer the following Interrogatories pursuant to Rule 33 of the Tennessee Rules of Civil Procedure, separately and under oath within forty-five (45) days after service of the same upon you.

INTERROGATORY NO. 1:

Was Plaintiff a duly appointed certified occupational therapy assistant under a contract of hire or apprenticeship, written or implied, on the dates as alleged in the Complaint?

ANSWER:

INTERROGATORY NO. 2:

With the regard to the instances alleged in the Complaint, state in detail:

- (a) What occurred;
- (b) The exact location of where it occurred;
- (c) The time when it occurred; and,
- (d) At the time of the Plaintiff's alleged discrimination, what services was she

performing.

STATE OF TENNESSEE
COUNTY OF MORGAN
I, Pamela Keck, Clerk of the Circuit Court for Morgan County,
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as the same appears of record in my office at Wartburg, Tennessee.
Witness my hand and official seal, this the 24 day
of November 2014

FILED

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R.C.
MORGAN CO. CIRCUIT CLERK

ANSWER:

INTERROGATORY NO. 3:

Have you or anyone acting on your behalf obtained from any person or persons oral or written reports, statements, memoranda or testimony concerning the incidents related to the Plaintiff's termination? If so, please state:

- (a) The name, last known address, and present whereabouts of such persons;
- (b) When, where, and by whom such reports, statements, or memoranda or testimony were obtained or made; and
- (c) Identify each statement and the nature thereof and state where each such statement or memoranda is located.

ANSWER:

INTERROGATORY NO. 4:

If you will do so without a Motion To Produce, attach a copy of all statements, reports, memoranda, or testimony as referred to in the previous interrogatories.

ANSWER:

INTERROGATORY NO. 5:

Did the Defendant maintain an employment file on the Plaintiff?

ANSWER:

INTERROGATORY NO. 6:

If the answer to the previous Interrogatory is in the affirmative, please attach a copy of the Plaintiff's employment file and all records including, but not limited to, medical statements, medical reports, evaluations and any other matter contained within the Plaintiff's employment file.

ANSWER:

INTERROGATORY NO. 7:

State the names, addresses, gender, dates of birth, and telephone numbers of all individuals who have been hired, and/or who are now performing the services of a teacher in the Morgan County Educational System beginning August of 2006 through the present.

ANSWER:

INTERROGATORY NO. 8:

For each month the Plaintiff worked, please state each and every position, change, salary change, bonus, date of each change, including as a part of your answer the reason for each change or bonus with regard to the Plaintiff.

ANSWER:

INTERROGATORY NO. 9:

Please state whether any other individual has requested the Defendant to discriminate against the Plaintiff on the basis of her gender.

ANSWER:

INTERROGATORY NO. 10:

If the answer to the previous Interrogatory is in the affirmative, please state the name, address, and telephone number of each individual who has attempted, and/or otherwise suggested that the Plaintiff receive less pay than her male counterparts.

ANSWER:

INTERROGATORY NO. 11:

Have you or anyone acting in your behalf obtained from any person or persons any oral or written report, statement, memoranda, or testimony concerning the termination involved in this cause of action? If so, state:

- (a). The name and last known address and present whereabouts, if known, of such persons.
- (b). When, where, and by whom were such reports, statements, memoranda or testimony was obtained or made.
- (c). Identify each such statement and the nature thereof, and state where each such statement of memoranda is located.

INTERROGATORY NO. 12:

State the names, addresses, and telephone numbers of any employees who have made complaints or charges of age discrimination, misconduct, verbal abuse or differences in treatment as a result of working conditions or salaries distinctively different for those who are females as opposed to male for a period of time from August of 2006 through the present.

ANSWER:

INTERROGATORY NO. 13:

State the names and addresses of any employees who have been terminated, discharged, or reprimanded or demoted or who had otherwise made complaints of gender discrimination against the Defendant for a period of time beginning August 2006 through the present.

ANSWER:

INTERROGATORY NO. 14:

Please state the name, address, and telephone number of any individuals who have been terminated, discharged, or reprimanded, demoted, or discriminated against because they made complaints, and/or otherwise had knowledge of the Defendants treatment of females as opposed to males.

ANSWER:

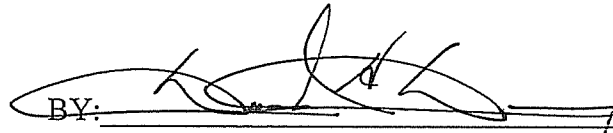
INTERROGATORY NO. 15:

Please set forth the names and addresses of the persons relied upon for each of the answers to these Interrogatories.

ANSWER:

Respectfully submitted this 13th day of November, 2014.

JOCELYN HAMBY

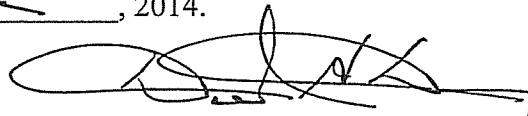
BY: 
Rick A. Owens, BPR 033474
David H. Dunaway, BPR 0491

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Attorneys for Plaintiff
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LaFollette, Tennessee 37766
LaFollette: (423) 562-7085
Knoxville: (865) 524-3670

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Interrogatories was attached and filed with the original Complaint to be served herein.

This 13th day of November, 2014.


David H. Dunaway & Associates
Attorneys for Plaintiff